



# City Council Agenda

Council President  
**Henry T. Perea**

Councilmembers

**Brian Calhoun, Ph.D.**  
**Mike Dages**  
**Jerry Duncan**

**Cynthia Sterling**  
**Larry Westerlund**  
**Blong Xiong – Acting President**

City Manager  
**Andrew T. Souza**

City Clerk  
**Rebecca E. Klisch, CMC**

City Attorney  
**James C. Sanchez**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650.

The City Council welcomes you to this meeting.

## March 27, 2007

### 8:30 A.M. ROLL CALL

Invocation by Imam of the Mosque Sheikh Ramadan from Masjid Fresno

Pledge of Allegiance to the Flag

**PROCESS:** For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

## **Ceremonial Presentations:**

Proclamation of "ASIAN AMERICAN MONTH" – All Councilmembers - **Read and Presented**

Proclamation of "LAO NEW YEAR" – All Councilmembers - **Read and Presented**

Proclamation of "NATIONAL CHILD ABUSE PREVENTION MONTH" – Mayor Autry and Councilmember Xiong - **Read and Presented**

Approve minutes of March 20, 2007

**Action Taken:**    **Approved, as submitted**

Councilmember Reports and Comments

**Action Taken:**    **Made**

Approve Agenda

**Action Taken:**    **Approved**

Adopt Consent Calendar

**Action Taken:**    **Adopted**

### **1.    CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.

- A.    \*    [Award a contract to Granite Construction Company in the amount of \\$255,140 for the installation of street infrastructure in No Neighborhood Left Behind Area 63, Council District No. 5 – Department of Public Utilities](#)  
**Action Taken:**    **Awarded/\$255,140**
- B.    \*    [Award a construction contract to Gostanian General Building Corporation in the amount of \\$448,790 for interior office rehabilitation at Fresno Yosemite International Airport \(FYI\) and Airports Administration – Airports Department](#)  
**Action Taken:**    **Awarded/\$448,790**
- C.    \*    [Approve the sale of 5.03 acres of City land at the southwest corner of East Church Avenue and South Orangewood Drive to the Fresno Unified School District for the market value of \\$740,000 \(located in District 5\) - Public Works Department](#)  
**Action Taken:**    **Approved**
- D.    \*    [Approve the acquisition of street easements from land owned by Storelli Land Company, LLC, in the amount of \\$47,860 at the northwest corner of North Fresno Street and East Sierra Avenue for the construction of traffic signal at \\$3,640 and intersection improvements \(located in District 6\) - Public Works Department](#)  
**Action Taken:**    **Approved**
- E.    \*    [RESOLUTION - 63<sup>rd</sup> amendment to AAR No. 2006-253 and appropriating \\$45,000 for maintenance of Community Facilities District No. 2 \(\*\*Requires 5 affirmative votes\*\*\) - Public Works Department](#)  
**Action Taken:**    **Resolution No. 2007-111 adopted**
- F.    [RESOLUTION - Authorizing the submission of applications for grant funds from Caltrans Local Assistance Program Highway Safety Improvement Program and authorizing the execution of documents - Public Works Department](#)  
**Action Taken:**    **Resolution No. 2007-112 adopted**

1. **CONSENT CALENDAR CONTINUED**

- G. \* Authorize amendment of a current service contract with Cook's Communications of Fresno, California, for police car equipment installation for a total cost not to exceed \$95,000 – General Services Department  
Action Taken: Authorized
- H. RESOLUTION – Authorizing the submittal of a CALHOME (Proposition 1C) grant application to the California Department of Housing and Community Development for Owner Occupied Rehabilitation Program Funds – Planning and Development Department  
Action Taken: Resolution No. 2007-113 adopted
- I. RESOLUTION – Approving the Final Map of Tract No. 5461 and accepting dedicated public uses therein; authorize the Public Works Director, the Public Utilities Director and the Planning and Development Director to execute the necessary documents (**Property located in District 4**) – Planning and Development Department  
Action Taken: Resolution No. 2007-114 adopted
- J. Consideration of proposed Alluvial-Chestnut No. 1B Reorganization: Resolution for approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 3.22 acres from the Fresno County Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno (**Property located in District 6**) – Planning and Development Department  
Action Taken: Considered
1. Affirm the action of the City Council of April 25, 2006, in adopting the environmental finding of Environmental Assessment No. A-05-09/R-05-69/C-05-106/T-5606, dated March 16, 2006, resulting in a Mitigated Negative Declaration  
Action Taken: Affirmed
  2. RESOLUTION – Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Alluvial-Chestnut No. 1B Reorganization  
Action Taken: Resolution No. 2007-115 adopted

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

9:00 A.M. A. **SCHEDULED COMMUNICATION –**

- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda

9:15 A.M. **CITY COUNCIL**

- A. RESOLUTION – Requesting the removal of Supervisor Bob Waterston from the Fresno County Local Agency Formation Commission (LAFCO) Board – Councilmember Calhoun  
Action Taken: Not adopted
- B. Council discussion and direction on a LLMD ballot election – Councilmember Calhoun  
Action Taken: Discussed; no action taken

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

- 10:00 A.M.#1    A.    **CONTINUED HEARING** to consider approval of resolution adopting the 443<sup>rd</sup> amendment to MFS Resolution No. 80-420, acceptance and adoption of final draft report, Fresno Major Street Impact Fee Program Nexus Study, adoption of Finding of Conformity with the Master Environmental Impact Report 10130 for the City's 2025 General Plan, and adoption of a resolution establishing policies for implementing the new Street Impact Fee Program – Public Works Department  
**Action Taken:**    **Held**
1.    Accept and adopt the Draft Final Report – Fresno Major Street Impact Fee Program Nexus Study prepared by EPS, dated March 15, 2007  
**Action Taken:**    **Accepted**
  2.    Adopt Finding of Conformity with the Master EIR 10130 for Environmental Assessment Number PW 06-06-27  
**Action Taken:**    **Adopted**
  3. \* **RESOLUTION** – 443<sup>rd</sup> amendment to Master Fee Schedule Resolution No. 80-420 to establish a Citywide Street Impact fee for locally regionally significant streets and an impact fee for new growth area major streets  
**Action Taken:**    **Resolution No. 2007-116, as amended, to adopt the year one increase per staff recommendation (see minutes)**
- B.    Discussion and action regarding alternative proposal for the Traffic Impact Fee - Councilmember Dages  
**Action Taken:**    **No action taken**
- 10:00 A.M.#2    **CONTINUED HEARING** to consider approval of resolution adopting the 447<sup>th</sup> amendment to the Master Fee Schedule Resolution No. 80-420 for Citywide traffic signal mitigation impact fees, adoption of Finding of Conformity with the Master Environmental Impact Report 10130 for the City of Fresno 2025 General Plan – Public Works Department  
**Action Taken:**    **Held**
1.    Amend the list of intersections covered by the Citywide Traffic Signal Mitigation Impact Fee per attachment "A"  
**Action Taken:**    **Amended**
  2.    Adopt Finding of Conformity with the Master EIR 10130 for Environmental Assessment Number PW 06-06-27  
**Action Taken:**    **Adopted**
  3. \* **RESOLUTION** – 447<sup>th</sup> amendment to Master Fee Schedule Resolution No. 80-420 for City-wide traffic signal mitigation impact fees  
**Action Taken:**    **Resolution No. 2007-117 adopted**
- 10:15 A.M.    **HEARING** approving the formation of Underground Utility District No. FRE-69 (Ventura Street between "M" Street and State Route 99) – Public Works Department  
**Action Taken:**    **Held**
1.    **RESOLUTION** – Establishing Underground Utility District No. FRE-69  
**Action Taken:**    **Resolution No. 2007-118 adopted**
- 10:20 A.M.    **CONTINUED HEARING** to annex Final Tract No. 5232 to the City of Fresno Community Facilities District No. 11, Annexation No. 14 (**Property located in District 5**) – Public Works Department  
**Action Taken:**    **Held**
- a.    **RESOLUTION** - Annexing territory to Community Facilities District No. 11 and authorizing the levy of a special tax  
**Action Taken:**    **Resolution No. 2007-119 adopted**
  - b.    **RESOLUTION** - Calling special mailed-ballot election  
**Action Taken:**    **Resolution No. 2007-120 adopted**
  - c.    **RESOLUTION** - Declaring election results  
**Action Taken:**    **Resolution No. 2007-121 adopted**
  - d. \* **BILL** - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 11, Annexation No. 14  
**Action Taken:**    **Bill No. B-29/Ordinance No. 2007-29 adopted**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**10:30 A.M.**     **HEARING** to consider Site Plan Review Application No. S-06-287, and environmental findings, filed by Tamarindo, LLC., on behalf of Matheson/Herrera, pertaining to 1.12 acres of property located on the east side of North Chestnut Avenue between East Gettysburg and East Indianapolis Avenues (*Property located in District 4*) – Planning and Development Department

**Action Taken:**    **Held**

1. Consider and adopt Environmental Assessment No. S-06-287, determination of Initial Study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan

**Action Taken:**    **Adopted**

2. **RESOLUTION** – Approving Site Plan Review Application No. S-06-287

**Action Taken:**    **Resolution No. 2007-122 adopted**

**2:00 P.M.#1**     **CONTESTED CONSENT CALENDAR**

**2:00 P.M.#2**     **GENERAL ADMINISTRATION**

**2:00 P.M.#3**     **CLOSED SESSION**

**A.     CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Government Code Section 54956.9, subdivision (a)

1. **Case Name:**    City of Fresno v. Alice Joyce Grove, et al. (Atwood Grove)  
Fresno County Superior Court Case No. 06CECG01289 DSB
2. **Case Name:**    Karabet Akbiyikian v. City of Fresno, et al.

**Action Taken:**    **Held**

**4:00 P.M.**     2006 Cycle III Plan Amendments – Planning and Development Department

The following plan amendment applications have been submitted for consideration during the **2006 Cycle III filing period** in accordance with the Trimester Plan Amendment Program of the Planning Guidelines established by the Fresno City Council to implement the City's Local Planning and Procedures Ordinance, Article 6, Chapter 12, of the Fresno Municipal Code. In addition to the plan amendment applications, the projects described below may include rezone applications to change the subject properties' zone district boundaries and associated special permit and tentative tract map applications providing for development of the subject properties.

- A.**    Consideration of Plan Amendment Application No. A-06-09, Rezone Application No. R-05-113, and environmental findings, filed by Bryan Garner, pertaining to approximately 2.08 acres of property located on the west side of North Brawley Avenue between West Shields and West Clinton Avenues (*Property located in District 1*)

1. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. A-06-09/R-05-113/T-5731

**Action Taken:**    **Adopted**

2. **RESOLUTION** - Amending the 2025 Fresno General Plan and the West Area Community Plan from the low density residential planned land use designation to the medium-low density residential land use designation

**Action Taken:**    **Resolution No. 2007-123 adopted**

3. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-A/UGM (*Single Family Residential-Agricultural/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district

**Action Taken:**    **Bill No. B-30/Ordinance No. 2007-30 adopted**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**4:00 P.M.**     2006 Cycle III Plan Amendments – Planning and Development Department

- B.**     Consideration of Plan Amendment Application No. A-06-16, Rezone Application No. R-06-52, and environmental findings, filed by Sarkis Papikian, pertaining to approximately 0.69 acre of property located on the south side of East Butler Avenue between South Cedar and South Chance Avenues  
(Property located in District 5)
1. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. A-06-16/R-06-52/C-06-140  
**Action Taken:**     Adopted
  2. **RESOLUTION** - Amending the 2025 Fresno General Plan and the Roosevelt Community Plan from the medium-high density residential planned land use designation to the neighborhood commercial land use designation  
**Action Taken:**     Resolution No. 2007-124 adopted
  3. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-3 (Medium Density Multiple Family Residential) zone district to the C-2 (Community Shopping Center) zone district  
**Action Taken:**     Bill No. B-31/Ordinance No. 2007-31 adopted
- C.**     Consideration of Plan Amendment Application No. A-06-17, and environmental findings, filed by the City of Fresno, pertaining to 17.4 acres of property located on the south side of East Kings Canyon Road between South Willow and South Peach Avenues. The plan amendment is proposing to accommodate a 5.5-acre Transit Village Project consisting of an approximate 2.75-acre transit station and 2.75-acre senior and single family housing  
(Property located in District 5)
1. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. A-06-17/R-06-53  
**Action Taken:**     Adopted
  2. **RESOLUTION** - Amending 5.5 acres of the 2025 Fresno General Plan and the Roosevelt Community Plan from the public facilities planned land use designation to medium-high density residential land use designation and to amend 17.4 acres of the Butler Willow Specific Plan from office commercial planned land use designation to public facilities land use designation for 11.9 acres to accommodate and existing elementary school and medium-high density residential land use designation for 5.5 acres  
**Action Taken:**     Resolution No. 2007-125 adopted
  3. **BILL** – Amending the Butler-Willow Specific Plan from the office commercial planned land use designation for 17.4 acres to public facilities land use designation for 14.65 acres and medium-high density residential land use designation for 5.5 acres  
**Action Taken:**     Bill No. B-32/Ordinance No. 2007-32 adopted

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**4:00 P.M.** 2006 Cycle III Plan Amendments – Planning and Development Department

- D. Consideration of Plan Amendment Application No. A-06-18, Rezone Application No. R-06-54, and environmental findings, filed by John L. Halvas, pertaining to approximately 16.19 acres of property located on the south side of West Olive Avenue between North Marks and North Valentine Avenues  
(Property located in District 3)
1. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. A-06-18/R-06-54  
Action Taken: **Adopted**
  2. RESOLUTION - Amending 9.40 acres of the 2025 Fresno General Plan and the West Area Community Plan from the commercial recreational planned land use designation to the medium density residential land use designation  
Action Taken: **Resolution No. 2007-126 adopted**
  3. BILL – Amending the Official Zone Map to rezone the 16.19-acre subject property from the RR (Rural Residential, Fresno County) zone district to the R-1/UGM (Single Family Residential/Urban Growth Management) zone district  
Action Taken: **Bill No. B-33/Ordinance No. 2007-33 adopted**
- E. Consideration of Plan Amendment Application No. A-06-19, and environmental findings, filed by Sol Development Associates, LLC, on behalf of Horizon Enterprises, pertaining to a segment of North Bryan Avenue from the proposed Veterans Boulevard diagonal south to a point approximately one quarter of a mile north of West Shaw Avenue  
(Property located in District 2)
1. Consider and adopt Negative Declaration for Environmental Assessment No. A-06-19  
Action Taken: **Adopted**
  2. RESOLUTION - Amending the Circulation Element of the 2025 Fresno General Plan and the West Area Community Plan to delete a segment of North Bryan Avenue, a designated collector street, from the proposed Veterans Boulevard diagonal south to a point approximately one quarter of a mile north of West Shaw Avenue.  
Action Taken: **Resolution No. 2007-127 adopted**
- F. Consideration of Plan Amendment Application No. A-06-20, Rezone Application No. R-06-58, and environmental findings, filed by Ingels-Braun, pertaining to approximately 6.5 acres of property located on the north side of West Shields Avenue between North Cornelia and North Polk Avenues  
(Property located in District 1)
1. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. A-06-20/R-06-58/T-5804  
Action Taken: **Adopted**
  2. RESOLUTION - Amending the 2025 Fresno General Plan and the West Area Community Plan from the low density residential planned land use designation to the medium-low density residential land use designation  
Action Taken: **Resolution No. 2007-128 adopted**
  3. BILL – Amending the Official Zone Map to rezone to rezone the subject property from the RR (Rural Residential, Fresno County) zone district to the R-1/UGM (Single Family Residential/Urban Growth Management) zone district.  
Action Taken: **Bill No. B-34/Ordinance No. 2007-34 adopted**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**4:00 P.M.** 2006 Cycle III Plan Amendments – Planning and Development Department

- G.** [Consideration of Plan Amendment Application No. A-06-24, and environmental findings, filed by Jeffrey T. Roberts on behalf of Granville/Pyramid Homes, pertaining to approximately 2.2 acres of property located on the east side of Broadway Street between Divisadero and Sacramento Streets \(Property located in District 3\)](#)
- [1. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. A-06-24/S-06-435/V-06-33/PW-11190](#)  
**Action Taken:** Adopted
  - [2. RESOLUTION - Amending the Circulation Element of the 2025 Fresno General Plan and the Central Area Community Plan to vacate and abandon Fulton Lane between Fulton and Broadway Streets and to redesignate Fulton Street between Divisadero and Sacramento Streets and Sacramento Street between Fulton and Broadway Streets to collector street](#)  
**Action Taken:** Resolution No. 2007-129 adopted
  - [3. BILL – Amending the Circulation Element of the Fulton/Lowell Specific Plan to vacate and abandon Fulton Lane between Fulton and Broadway Streets and to redesignate Fulton Street between Divisadero and Sacramento Streets and Sacramento Street between Fulton and Broadway Streets to collector street](#)  
**Action Taken:** Bill No. B-35/Ordinance No. 2007-35 adopted

## **SCHEDULED COUNCIL HEARINGS AND MATTERS**

**Apr. 3 NO MEETING – EASTER BREAK**

- Apr. 10 - 10:00 A.M.#1 HEARING** re: the vacation of a portion of Yale Avenue west of Weber Avenue – R.I. 1059-D
- Apr. 10 - 10:00 A.M.#2 HEARING** re: Annexation No. 16, CFD No. 11, Final Tract No. 5482
- Apr. 10 - 10:15 A.M. HEARING** to consider the vacation of a portion of the Clinton-Terrace alley east of Blackstone Avenue. (Located in District No. 7)
- Apr. 10 - 10:30 A.M. TEFRA HEARING** re: bond issuance for Community Medical Center – Finance Department
- Apr. 10 - 10:35 A.M. HEARING** re: Vesting Tentative Tract Map No. 5710, filed by the Coalition for Urban Renewal Excellence, located on the east side of N. Blythe Ave., between W. Dakota and W. Ashlan Aves.
- Apr. 10 - 11:00 A.M. HEARING** re: Resolution of Necessity (RDA)
- Apr. 10 - 2:00 P.M. – 5:00 P.M. – WORKSHOP** on Department presentations
- Apr. 10 - (Time to be determined) WORKSHOP** re: Replacement of the City's Computer Network